

EXHIBIT A

9/17/2024

Richard Kadrey, et al. v. Meta Platforms, Inc.
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Melanie Kambadur

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Richard Kadrey, et al.,)	
Individual and Representative)	
Plaintiffs,)	CASE NO.
)	3:23-cv-03417-VC
-against-)	
)	
Meta Platforms, Inc.,)	
Defendant.)	
)	

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ATTORNEYS' EYES ONLY

VIDEO-RECORDED DEPOSITION OF
MELANIE KAMBADUR

Cooley, LLP
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New York, New York 10001

09/17/2024
9:07 a.m. (EDT)

REPORTED BY: MONIQUE CABRERA

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1 Q. Would books be considered a high
2 quality data?

3 MR. WEINSTEIN: Object to form.

4 A. It's possible that some books are
5 high quality data.

6 BY MR. YOUNG:

7 Q. When you say "some books," what do
8 you mean?

9 A. I mean that it's likely that not all
10 books would improve performance metrics.

11 Q. Would traditionally published books
12 be considered high quality?

13 MR. WEINSTEIN: Object to form.

14 Vague.

15 You can answer.

16 A. I would say it depends on the book
17 and it depends on the model.

18 BY MR. YOUNG:

19 Q. Would you say it's now part of your
20 responsibility -- strike that.

21 At some point, was it part of your
22 responsibility to evaluate datasets for use in

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1 training large language models?

2 A. Not directly. I have managed people
3 who were doing the evaluation and I sometimes
4 reviewed their evaluations.

5 Q. So by "review evaluations," do you
6 mean someone who reported to you, would evaluate
7 a dataset for use in training and then you would
8 say yes, no, this would be something we would
9 include?

10 A. I did not solely make the yes/no
11 decisions. The first part of that statement,
12 that people who report to me would run
13 experiments and evaluate models is correct.

14 Q. Who else -- so you said you were not
15 the person who solely made the decision to
16 include certain datasets.

17 Who else would have input into that
18 decision?

19 A. Generally, we looked at the actual
20 perf- -- the performance of different experiments
21 and for which -- like, are you asking about a
22 specific model?

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1 A. Yes.

2 Q. Do you know who made that decision?

3 A. I don't think there was a
4 singular -- there was not a singular person.

5 Q. But a decision was made, correct?

6 A. To include Libgen into Llama 3?
7 Yes.

8 Q. Do you remember why that decision
9 was made to include Libgen into Llama 3?

10 A. As with all of our datasets, we had
11 run some small-scale experiments that indicated
12 it would positively improve our benchmarks on a
13 larger model. And we had gone through our legal
14 and privacy review procedures.

15 Q. Did anyone express to you any
16 concern with using the Libgen data source as
17 pre-training material?

18 A. I recall people asking if it was
19 approved.

20 Q. Did you express any concern about
21 using the Libgen data source as pre-training
22 material?

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1 Q. Can you turn to the bottommost
2 e-mail, the first in time e-mail.

3 Is that the e-mail sent by
4 Mr. Rodriguez on December 16, 2022, at time stamp
5 12:54 a.m.?

6 A. Yes, I see that e-mail.

7 Q. Could us remind me who
8 Aurelien Rodriguez is?

9 A. He was a research manager at Meta.

10 Q. So a research manager. So as of
11 this e-mail, was he equal in seniority to you?

12 A. I am trying to -- I think I may have
13 been a level higher than him, but we were equal
14 in the reporting chain.

15 Q. Okay. Now, Aurelien begins his
16 e-mail -- Mr. Rodriguez begins his e-mail. It
17 says: We conducted the ablations on the impact
18 on proprietary data on LLMs.

19 What does -- what does ablation mean
20 in a generative AI context?

21 A. In this context, it means a
22 controlled experiment.

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1 Q. So what -- a controlled experiment
2 how?

3 A. Sorry. I don't understand the
4 question.

5 Q. Can -- can ablation mean including
6 certain data?

7 A. An ablation is more just a general
8 term for a controlled experiment. So you could
9 change the data as one of the variables that you
10 choose to change.

11 Q. So, for example, which datasets are
12 included or are not included in the experiment?

13 A. Yes, that could be an example
14 experiment.

15 Q. What about like weighting a certain
16 dataset?

17 A. That could also be an example
18 experiment, yes.

19 Q. Okay. So based on this first
20 sentence, he is describing an experiment on the
21 impact of proprietary data on LLMs, right?

22 Do you understand that to mean he is

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1 describing an experiment on some -- some category
2 of data on large language models?

3 A. The -- I understand that there were
4 experiments on some category of data.

5 Q. Proprietary data, right?

6 A. As Aurelien defines it, yes. As
7 Aurelien defines, yes.

8 Q. And he starts with his conclusion of
9 his experiment first, right?

10 He says: Our conclusion is that the
11 impact is limited.

12 Do you see that?

13 A. Yes, I see that line.

14 Q. So do you interpret that sentence to
15 mean Aurelien's conclusion is that the impact of
16 proprietary data is limited on large language
17 models?

18 A. That is how I would interpret those
19 two sentences, yes.

20 Q. What's the date on this e-mail?

21 A. December 16th, 2022.

22 Q. So this was before the release of

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1 the Llama 2 models, correct?

2 A. Correct.

3 Q. Now, do you see how Aurelien signs
4 off his e-mail.

5 It says: Cheers, the Genesis team.
6 Right?

7 A. Yes.

8 Q. And do you recall earlier telling us
9 that "Genesis" was another name for the Llama
10 models?

11 A. In this context, it's -- they're
12 also referring to it as a team, but it has -- we
13 had internal versions of the model named Genesis
14 that were the initial basis for Llama models.

15 Q. So Aurelien is reporting on the
16 results or his interpretation of the experiments
17 on behalf of Genesis team, right?

18 A. That's what it appears in this
19 e-mail.

20 Q. Do you know if the Genesis team
21 eventually became the Llama team?

22 A. Not precisely. Well, some members

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1 of the Genesis team joined -- or what I think he
2 is referring as the Genesis team. I am not sure
3 this was, like, an official organization. But
4 some members of the group I think he is referring
5 to joined a larger group which then worked on
6 Llama.

7 Q. So do you see the sentence in bold?
8 He says: We are confident that we can reproduce
9 Chinchilla with OSS data.

10 Do you see that sentence -- or that
11 clause? Excuse me?

12 A. Yes.

13 Q. Is Chinchilla a model that was
14 produced by Google?

15 A. Yes.

16 Q. So Aurelien is saying that -- based
17 on this sentence here, do you understand Aurelien
18 to be attempting or the Genesis team to be
19 attempting to reproduce Chinchilla?

20 MR. WEINSTEIN: Object to form.

21 A. Yes, I understand that this was a
22 goal of the Genesis model to reproduce some

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1 metrics that were similar to Chinchilla.

2 BY MR. YOUNG:

3 Q. So when you -- what do you
4 understand the word "reproduce" to mean in this
5 context?

6 A. Based on a broader context I have
7 from this e-mail, I understand it to mean using
8 relatively similar model size scales to achieve
9 similar benchmark performance.

10 Q. Do you know what OSS data means?

11 A. We use OSS sometimes as a shorthand
12 for open source, so that would be my presumption,
13 but I don't know what precisely Aurelien means.

14 Q. Is open source data synonymous with
15 publicly available data?

16 MR. WEINSTEIN: Object to form.

17 A. I don't know what Aurelien means in
18 his reference.

19 BY MR. YOUNG:

20 Q. Do you have an understanding of what
21 open source data is?

22 A. A high level understanding.

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1 Q. What is your understanding of what
2 open source data is?

3 A. Data which has been permissibly
4 licensed.

5 Q. Can you explain what "permissibly
6 licensed" means?

7 A. I don't have a precise definition,
8 but which has a license attached that gives
9 others permission to use that artifact.

10 Q. So Aurelien says: And we will train
11 our model only on data compatible with open
12 source.

13 Do you see that?

14 A. Yes, I see that.

15 Q. Do you see the next sentence? He
16 goes: We are excited that this allows us to
17 align Genesis current milestone of reproducing
18 Chinchilla with our FRESCO value.

19 Do you know what FRESCO value means?

20 A. I believe FRESCO was an acronym used
21 for some kind of mission or mission statement or
22 something like that in FAIR.

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1 Q. Do you have a recollection of what
2 that acronym stood for?

3 A. I don't recall for sure.

4 Q. Do you recall what some of the
5 letters stood for?

6 A. I believe O stands for open. That's
7 the only one I'm remembering off the top of my
8 head, and I am not even 100 percent sure on that
9 one.

10 Q. Okay. Do you see how further on in
11 that paragraph Aurelien talks about RAI?

12 A. Yes.

13 Q. Is RAI Responsible AI?

14 A. I believe that he is using it as a
15 synonym -- as a abbreviation for Responsible AI,
16 yes.

17 Q. Is that a division at Meta?

18 A. At some point, we had an
19 organization called RAI. I am not sure if that's
20 what Meta -- or if that is what is Aurelien is
21 referring to here.

22 Q. Do you know if that organization

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1 still exists?

2 A. There are still members of that
3 organization, but there have been an
4 organizational changes since then.

5 Q. Do you know who was in the RAI
6 organization as of this e-mail?

7 A. No.

8 Q. Do you know who is in the RAI
9 organization now?

10 A. The -- the -- there is not to my
11 knowledge an organization called RAI.

12 Q. Is there an organization -- so what
13 do you understand the role of the Responsible AI
14 organization to have been?

15 A. I don't have that broad of context
16 to understand their complete role at Meta.

17 Q. So then Aurelien continues. He
18 makes at -- Luke Zettlemoyer. Do you know who
19 Luke Zettlemoyer is?

20 A. Yes.

21 Q. Who is Luke Zettlemoyer?

22 A. He's a research director at FAIR.

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1 Q. Is he a full-time employee of Meta?

2 A. I am not sure if he is full-time or
3 not. He is co-listed as a professor.

4 Q. So it goes on: Your experience with
5 open source at OPT will be greatly appreciated
6 here.

7 What is OPT?

8 A. OPT is another model that we trained
9 on Meta.

10 Q. What type of model was that?

11 A. Also a language large model.

12 Q. Was that model ever released to the
13 public?

14 A. Yes.

15 Q. What was the name?

16 A. OPT.

17 Q. Thank you for that. I realized that
18 was a silly question after I asked it.

19 So if you go down to -- after -- do
20 you see the line after the Genesis team, the
21 sign-off?

22 A. Yes.

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1 Q. It says: Details of the experiment.

2 Do you see that section?

3 A. I see that section.

4 Q. Do you see the reference to the XL

5 Former's team?

6 A. Yes.

7 Q. Do you know what that is?

8 A. I know that XL Former is the name of
9 a library. I am not sure who he is referring to
10 when he says XL Former's team.

11 Q. Now, before we go into this, can we
12 go back to the final paragraph right before the
13 cheers, Aurelien signed off.

14 So the first sentence of that final
15 paragraph, do you see that sentence begins: Once
16 our final training is done?

17 A. Yes.

18 Q. So he says: Once our final training
19 is done, we will reinvestigate where license data
20 could be useful to further inform our future
21 investments in this area.

22 Do you see that?

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1 A. Yes.

2 Q. Do you understand him to understand
3 license data to be different than open source
4 data?

5 A. From that sentence, it's hard to
6 tell what his understanding was.

7 Q. So that first sentence underneath
8 details of experiment, does the XL Former's team
9 ransom parallel training incorporating are not
10 licensed data coming from GitHub or Libgen.

11 Do you see that?

12 A. Yes, I see that.

13 Q. Okay. Do you understand him to be
14 -- now to be referring to licensed data as data
15 coming from GitHub and Libgen?

16 A. I would understand that he is
17 referring in this sentence to a subset of GitHub
18 and Libgen. I don't know where he got his
19 information on the license status or if he
20 consulted any lawyers at Meta.

21 Q. And do you understand that to be
22 distinct from the OSS data he was referring to

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1 earlier?

2 A. It appears to be distinct based on
3 his text, but from the text, my understanding is
4 he also doesn't have a precise understanding of
5 the meaning of those terms.

6 Q. When he is -- based on the context
7 of this e-mail, it seems pretty clear that when
8 he's talking about open source data, he is
9 referring to data that is neither from GitHub or
10 Libgen, correct?

11 A. Perhaps, based on the context of
12 this e-mail, but there -- I have an additional --
13 yeah, can you rephrase that little bit because I
14 am -- actually I'm unclear.

15 Q. Aurelien in that bold statement
16 says: We can reproduce Chinchilla with OSS data
17 and we will train our models only on dates
18 compatible with open source.

19 Is that correct?

20 A. Yes, he says that.

21 Q. So if he's -- there's an
22 understanding he has of what OSS data is,

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1 correct?

2 A. He has made some definition of open
3 source data.

4 Q. And then if we look at the paragraph
5 at bottom of the page where he is describing the
6 experiment, he's saying that the -- do you see
7 the sentence where he says: This experiment was
8 -- that last clause that begins "as," right?

9 As purely exploratory projects whose
10 goal was to determine whether we should buy
11 licenses to use this data.

12 Do you understand that that data
13 meant GitHub or Libgen?

14 A. I understand he's referring to
15 GitHub or Libgen. I don't think we can assume
16 from the sentence that it's all GitHub or Libgen
17 data.

18 Q. But he -- but you can assume from
19 this sentence that the license data he is
20 referring to was distinct from the OSS data he
21 was referring to in that bolded sentence above,
22 correct?

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1 A. It seems so.

2 Q. Do you have an understanding of what
3 he meant by the -- determining whether we should
4 by licenses to use this data?

5 MR. WEINSTEIN: Object to form.

6 A. I don't really understand what he
7 meant partially because even open source data, to
8 my understanding, has licenses or can a have a
9 license.

10 BY MR. YOUNG:

11 Q. Can you sometime buy licenses to use
12 data?

13 MR. WEINSTEIN: Object to form.

14 A. The wording is a little confusing to
15 me. Like, it can -- I am not sure exactly how
16 the -- how the legal purchasing of the license
17 worked, but I know that you can purchase data.

18 BY MR. YOUNG:

19 Q. Can you purchase licenses to, for
20 example, use certain media?

21 MR. WEINSTEIN: Object to form.

22 A. Can someone purchase a license to

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1 utilize media? I think so, but I am not an
2 expert.

3 BY MR. YOUNG:

4 Q. For example, have you ever -- rent a
5 streaming video?

6 A. Yes, I have rented streaming videos.

7 Q. Do you understand that to be
8 purchasing a license to that video?

9 MR. WEINSTEIN: Object to form.

10 A. I have never thought about it that
11 way. I don't -- I have never seen a specific
12 license attached.

13 BY MR. YOUNG:

14 Q. Okay. So continuing on to the next
15 page, so Aurelien continues to describe this
16 experiment.

17 You -- so what is WinoGrande,
18 HellaSwag, BooIQ, SIQA, and PIQA?

19 A. These are the names of academic
20 benchmarks that we use to assess model
21 performance.

22 Q. And there's a number of -- there's a

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1 chart describing how the model performed under
2 each of those benchmarks, correct?

3 A. How this -- how the experiment --
4 experimental model performed, yes.

5 Q. And there generally are higher
6 numbers mean -- do higher numbers mean the
7 performance is better or worse?

8 A. For these benchmarks, higher
9 performance is better, but there are also large
10 variances on these. So we -- there's a lot of
11 noise in the results, and we don't take a
12 strictly higher number to always mean strictly
13 better.

14 Q. So it's kind of like when you're
15 examining -- statistics, when you're examining
16 statistical significance, for example? Would
17 that be fair?

18 A. There is variance on the benchmarks,
19 if that's what you mean.

20 Q. Okay. So before we examined that,
21 he is -- Aurelien is discussing -- it says that
22 these are model versions of Genesis, right?

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1 Do you see at that? Right -- right
2 before the table?

3 A. Yes, I see that.

4 Q. Do you understand that to also mean
5 model versions of what become Llama?

6 A. I understand that to mean similar
7 architectural settings as Llama, as what would
8 become the future Llama 1.

9 Q. Okay. So each of the rows describe
10 data that was either included or not included in
11 each of the experiments. Would that be fair?

12 A. That's what it looks like.

13 Q. And top row, minus the headings is
14 baseline includes GitHub and Libgen, right?

15 A. Yes.

16 Q. Do you understand that to mean there
17 is a base model and also GitHub and Libgen data
18 included as pre-training? That was the first
19 topmost experiment?

20 A. That's what I would assume.

21 Q. And the next one down is fiction
22 novels removed, GitHub open license owned.

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1 Do you see that?

2 A. Yes, I see that line.

3 Q. What do you understand "fiction
4 novels removed" to mean?

5 A. I would guess this means that there
6 was some fiction books not present in this
7 training experiment.

8 Q. And the last one is Libgen and
9 GitHub excluded. So would you understand this to
10 just be the baseline model?

11 A. I am not sure what you mean by
12 "baseline" in particular because there's already
13 another line labeled "baseline."

14 Q. So the very top one says baseline
15 includes GitHub and Libgen, correct?

16 A. Yes.

17 Q. And the very bottom one, it just
18 says Libgen and GitHub excluded, right?

19 A. Yes.

20 Q. So would that bottom experiment
21 likely just be the baseline model without Libgen
22 and GitHub included?

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1 A. I would assume that it's similar to
2 the top row but without Libgen and GitHub.

3 Q. So looking at those results, each
4 column represents the performance of each of
5 those experiments for each of these -- each of
6 these academic benchmarks, right?

7 A. Yes.

8 Q. So for BIQ, the experiment modeled
9 -- the experiment's model that includes GitHub
10 and Libgen scored the highest, right?

11 A. Yes.

12 Q. For PIQA, the experiment model that
13 included GitHub and Libgen scored the lowest,
14 correct?

15 A. According to this table, yes.

16 Q. And SIQA, the model that included
17 GitHub and Libgen scored the highest but only by
18 a tenth, correct?

19 A. It got -- yes, a .1 higher score on
20 this benchmark for this point in the training.

21 Q. Under the HellaSwag, the baseline
22 that included GitHub and Libgen scored the lowest

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1 again, right?

2 A. Yes.

3 Q. And then WinoGrande, it scored the
4 lowest again, right?

5 A. Yes.

6 Q. So does this table support
7 Aurelien's original conclusion that the impact,
8 assuming that he was measuring the impact of
9 GitHub and Libgen, was limited?

10 A. Given -- are you asking if I agree
11 with his conclusion?

12 Q. Yes.

13 A. I would say there's not really
14 enough information to make that kind of
15 conclusion here.

16 Q. Based on this e-mail, the Genesis
17 team made that conclusion, right?

18 A. At least Aurelien as -- on behalf of
19 -- who represented himself on behalf of Genesis
20 team.

21 Q. Libgen, you testified earlier that
22 Libgen was not used as pre-training material for

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1 either the Llama 1 series and Llama 2 series of
2 models, correct?

3 A. To best of my understanding, that it
4 was not used.

5 Q. But you -- but it was used or at
6 least some version or some set of Libgen was used
7 to train the Llama 3 and up, correct?

8 A. Yes.

9 Q. So at some point, the decision was
10 made to include Libgen in pre-training the
11 Llama 3 models, right?

12 A. Yes.

13 Q. So can you turn back to the first
14 page, the very bottom e-mail from Joelle Pineau.

15 Do you know who Joelle Pineau is?

16 A. Yes.

17 Q. Who is she?

18 A. I don't know her title at the time
19 of this e-mail, but she is currently VP of FAIR.

20 Q. Then she sends an e-mail on
21 December 16th, 2022 at 8:43 a.m., right?

22 A. Yes.

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1 Q. She adds you, right, to the e-mail
2 thread?

3 A. Yes.

4 Q. And Mary, right?

5 A. Yes.

6 Q. And Mary is Mary Williamson?

7 A. It appears so.

8 Q. Is Mary Williamson a member of FAIR
9 at this time?

10 A. Yes.

11 Q. So Joelle Pineau says: Thanks for
12 the meeting. Great to have this analysis help
13 guide our investments.

14 Do you see that?

15 A. Yes.

16 Q. Do you have an understanding of what
17 Ms. Pineau meant by "investments"?

18 A. I couldn't be certain. It could
19 mean the model training investments.

20 Q. What about purchasing or licensing
21 data?

22 A. It could also refer to that. I am

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1 not certain.

2 Q. And for pre-training models?

3 A. It's hard to speculate from the
4 limited context here.

5 Q. Okay.

6 A. It could also mean whether we should
7 open source this model. There's a lot of
8 interpretations here.

9 Q. You can set that document aside.

10 MR. YOUNG: So I am going to mark as
11 Plaintiffs' 19 -- 20. Apologize -- a
12 document bearing Bates label Meta Kadrey
13 0054898.

14 (Whereupon, Kambadur Exhibit 20,
15 Workplace Chat Bates Number Meta Kadrey
16 0054898, was marked for identification.)

17 BY MR. YOUNG:

18 Q. Why don't you take a moment to
19 review the document and let me know when you are
20 ready.

21 A. I reviewed it.

22 Q. Great.

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1 CERTIFICATE OF SHORTHAND REPORTER NOTARY PUBLIC

2 I, Monique Cabrera, the officer

3 before whom the foregoing deposition was

4 taken, do hereby certify that the foregoing

5 transcript is a true and correct record of

6 the testimony given; that said testimony was

7 taken by me stenographically and thereafter

8 reduced to typewriting under my direction;

9 and that I am neither counsel for, related

10 to, nor employed by any of the parties to

11 this case and have no interest, financial or

12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto

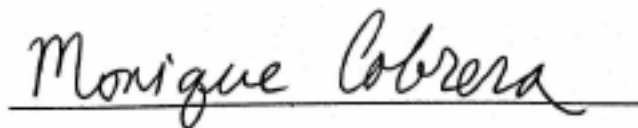
14 set my hand this 17th day of September, 2024.

15

16

17

18

A handwritten signature in cursive script that reads "Monique Cabrera". The signature is written in dark ink and is positioned above a horizontal line.

19

MONIQUE CABRERA

20

Notary Public in and for the State of New York

21

County of Suffolk

My Commission No.

22

Expires: 06/12/2026